

104TH CONGRESS
1ST SESSION

H. R. 1833

AN ACT

To amend title 18, United States Code, to ban
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To amend title 18, United States Code, to ban partial-
birth abortions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Partial-Birth Abortion
3 Ban Act of 1995”.

4 **SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.**

5 (a) IN GENERAL.—Title 18, United States Code, is
6 amended by inserting after chapter 73 the following:

7 **“CHAPTER 74—PARTIAL-BIRTH ABORTIONS**

“Sec.

“1531. Partial-birth abortions prohibited.

8 **“§ 1531. Partial-birth abortions prohibited**

9 “(a) Whoever, in or affecting interstate or foreign
10 commerce, knowingly performs a partial-birth abortion
11 and thereby kills a human fetus shall be fined under this
12 title or imprisoned not more than two years, or both.

13 “(b) As used in this section, the term ‘partial-birth
14 abortion’ means an abortion in which the person perform-
15 ing the abortion partially vaginally delivers a living fetus
16 before killing the fetus and completing the delivery.

17 “(c)(1) The father, and if the mother has not at-
18 tained the age of 18 years at the time of the abortion,
19 the maternal grandparents of the fetus, may in a civil ac-
20 tion obtain appropriate relief, unless the pregnancy re-
21 sulted from the plaintiff’s criminal conduct or the plaintiff
22 consented to the abortion.

1 “(2) Such relief shall include—

2 “(A) money damages for all injuries, psycho-
3 logical and physical, occasioned by the violation of
4 this section; and

5 “(B) statutory damages equal to three times
6 the cost of the partial-birth abortion.

7 “(d) A woman upon whom a partial-birth abortion
8 is performed may not be prosecuted under this section,
9 for a conspiracy to violate this section, or for an offense
10 under section 2, 3, or 4 of this title based on a violation
11 of this section.

12 “(e) It is an affirmative defense to a prosecution or
13 a civil action under this section, which must be proved by
14 a preponderance of the evidence, that the partial-birth
15 abortion was performed by a physician who reasonably be-
16 lieved—

17 “(1) the partial-birth abortion was necessary to
18 save the life of the mother; and

19 “(2) no other procedure would suffice for that
20 purpose.”.

21 (b) CLERICAL AMENDMENT.—The table of chapters
22 for part I of title 18, United States Code, is amended by

- 1 inserting after the item relating to chapter 73 the follow-
- 2 ing new item:

“74. Partial-birth abortions 1531”.

Passed the House of Representatives November 1,
1995.

Attest:

Clerk.